REMARKS

The Office Action of March 24, 2004 has been reviewed and the comments therein were carefully considered. With this response, claims 1-30 are pending in the application. Claims 1-22 stand rejected.

The Applicant thanks the Examiner for the telephonic interview on April 29, 2004, in which the Examiner clarified the Office Action.

Rejections under 35 USC §102

Claims 1-21 stand rejected by the Office Action under 35 USC §102(e) as being anticipated by Shulman et al. (U.S. Patent Application Pub No. US2001/0030664). Regarding claim 1, the Applicant has amended the claim to include the preamble "A method of transmitting an alert message from a first mobile wireless device to a second mobile wireless device, the first mobile wireless device comprising a first media player and the second mobile wireless device comprising a second media player, the method comprising:" and to include the feature of "generating at the first media player the alert message formatted to reconfigure the second media player to provide the broadcast content to a second user of the second media player". The Applicant has amended claim 1 to clarify that "content" corresponds to "broadcast content" and that a "first user" is associated with the "first media player" and a "second user" is associated with the "second media player". The amendment clarifies what is being claimed and is supported by the specification as originally filed. For example, the specification discloses (Page 4, paragraph 20):

In operation, while listening to a radio broadcast, media player 102 may transmit a tune alert message to media player 108 via message server 106. The tune alert message may be formatted to automatically tune media player 108 to the broadcast identified in the tune alert message. Media players 102 and 108 may be implemented with different devices that operate with different protocols or formats. In one aspect of the invention, message server 106 stores information relating to the formats and protocols used by each of the media players. After receiving a message from a first media player, message server 106 may reformat the message, when necessary, before transmitting the message to a second media player.

However, Shulman fails to teach or even suggest "generating at the first media player the alert message formatted to reconfigure the second media player to provide the broadcast content to a second user of the second media player", in which a first wireless terminal comprises the first media player and a second wireless terminal comprises the second media player. The Office Action alleges that this feature is disclosed in Shulman because "the user can tune or set the alert message from the first media player to the second media player by customizing to his/her own choice and reconfigure the second media player to receive the alert message by setting the sending to the Interest group at the first media player (as illustrated in Fig. 1C at state alerts and schedules at item 190 within the local set top box 120, and as in Fig. 3 by setting level 320)." However, Shulman fails to teach or even suggest formatting an alert message that is generated at the first media player to reconfigure a second media player. Reconfiguring an alert message, as alleged by the Office Action, is fundamentally different from using an alert message to reconfigure a media player. Moreover, the Applicant has amended the feature of "transmitting the alert message from the first media player to the second media player to provide **the** broadcast content to the second user of the second media player" (Emphasis added) to clarify that the broadcast content provided to the second media player is the same as the broadcast content to the first media player. As an example, the first media player, after playing a portion of the broadcast content, alerts the second media player about the broadcast content. Consequently, the second media player plays a subsequent portion of the broadcast content. To continue the example, the second media player may continue to play the broadcast content while the first media player terminates the playing of the broadcast content. However, Shulman, as illustrated by an invitation for a fourth person for golf (page 6, paragraph 4), does <u>not</u> teach that the broadcast content is the same to the first media player and the second media player. Thus, the Applicant submits that claim 1 is <u>not</u> anticipated by Shulman.

Regarding claim 8, the Applicant has similarly amended the claim to include the preamble "A method of adjusting a configuration of a mobile wireless device to receive broadcast content, the mobile wireless device comprising a media player, the method comprising" and the features of "receiving at the media player an alert message formatted to reconfigure the media player to provide the broadcast content to a user of the media player" and "presenting the alert message to the user of the media player". Claim 8 is <u>not</u> anticipated for at

least the reasons discussed above. Moreover, the Office Action has not demonstrated a nexus between "broadcast content" and "alert message" as is claimed in the feature of "receiving at the media player **an alert message** formatted to reconfigure the media player to provide **the broadcast content** to a user of the media player". (Emphasis added.)

Regarding claim 16, the Applicant has similarly amended the claim to include the preamble "A mobile wireless device configured to receive messages and broadcast content, the mobile wireless device comprising" and a media player with "an alert module configured to adjust the tuner to process content received from the source of the broadcast content identified in the message". Claim 16 is <u>not</u> anticipated for at least the reasons discussed above. Moreover, the Office Action alleges that Shulman teaches "a tuner that is adjustable to process content from a plurality of different sources of broadcast content, i.e., tuner 176 (as shown in Fig. 1c/item 176) for tuning to different sources of broadcast content". However, tuner 176 (as shown in Figure 1c) connects only to one source of broadcast content (the cable head-end that is associated with NMS 130) and <u>not</u> to a plurality of sources.

Regarding claim 20, the Applicant has similarly amended the claim to include the preamble "A computer-readable medium containing computer-executable instructions for causing a first mobile wireless device comprising a first media player to perform the steps comprising" and to include the feature of "generating at the first media player an alert message that may be used to reconfigure a second media player to provide the broadcast content to a second user of the second media player". Claim 20 is <u>not</u> anticipated for at least the reasons discussed above.

Regarding claim 21, the Applicant has similarly amended the claim to include the preamble "A mobile wireless device comprising:" in which the mobile wireless device comprises "a media player". The Office Action alleges that the feature of "a means for selecting content to present to a user" is taught by Shulman in Fig. 1c, in which a set top box "can present the selecting content to the user by either a TV set 168 or remote devices 110 via communications port 160". However, Shulman merely teaches "selecting content" that is only presented to the user but does not teach how the content is selected. Thus, the Applicant submits that claim 21 is <u>not</u> anticipated by Shulman.

Claims 2-7, 9-15, 17-19 ultimately depend from independent claims 1, 8, and 16 and are not anticipated by Shulman for at least the above reasons. Thus, the Applicant requests reconsideration of claims 1-21.

Rejections under 35 USC §103

Claim 22 is rejected under 35 USC §103(a) as being unpatentable over Shulman et al. in view of Pepper et al., (U.S. Patent 5,930,700). The Office Action alleges that Shulman teaches "a tune alert module coupled to the tuner module and transceiver module, the tune alert module generating tune alert messages that are formatted to adjust a tuner module of **another** mobile terminal, i.e., state alerts and schedules 190 regarding as a tune alert module means configured to adjust the tuner to process content received from the content source to different interactive levels (see Fig. 2b, and page 5/section 0054 for further details)". (Emphasis added.) However, the Applicant submits that Shulman merely teaches tuner 176 (corresponding to a tuner module of the mobile terminal) and not a tuner module of another mobile terminal. Moreover, Pepper does not make up for the deficiency of Shulman. Claim 22 is patentable over Shulman in view Pepper. Thus, the Applicant requests reconsideration of claim 22.

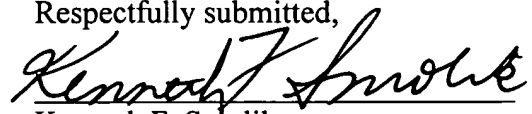## CONCLUSION

The Applicant is adding claims 23-30, which are supported by the specification as originally filed.

The Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted,

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Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606-7407
Telephone: 312-463-5000
Facsimile: 312-463-5001